NOTIFICATION.

No. 1945—L.A., Bangalore, dated 23rd February 1950.

In exercise of the powers conferred on him by clause (2) of Article 208 read with Article 238 of the Constitution of India, the Speaker of the Mysore Legislative Assembly is pleased to direct that the Mysore Legislative Rules and the Legislative Assembly Standing Orders in force immediately before the commencement of the said Constitution shall have effect in relation to the Mysore Legislative Assembly subject to the modifications and adaptations hereinafter appearing, namely :—

1. For the words "the Act" wherever they occur in the Rules and Standing Orders, the words "the Constitution" shall be substituted.

2. In sub-rule (1) of Rule 2 of the said rules for the definition of "the Act" the following definition shall be substituted :—

"the Constitution" means "the Constitution of India".

3. After Rule 2, the following rule shall be added :—

"PART II.

Address by His Highness the Maharaja.

3. (1) On the day appointed by His Highness the Maharaja for the commencement and holding of a session of the Assembly (not being a new Assembly) and in the case of a new Assembly at the first sitting of the Assembly after the election of the Speaker, His Highness shall address the Assembly as required by Article 176 of the Constitution.

(2) The Speaker shall report to the Assembly, as soon thereafter as may be convenient, that His Highness the Maharaja was pleased to make a speech to the Assembly and place a copy of it on the table of the House.

(3) Any member of the majority party may then move that an Address be presented to His Highness the

Maharaja expressing the thanks of the Assembly for his speech.

(4) Any member may before such time as may be fixed by the Speaker give notice of amendments to such a motion by way of adding additional words at the end of the Address but not otherwise.

(5) The debate on the Address shall take precedence over all other business except questions, formal business, urgent motions and urgent Bills and shall take place on such day or days as the Speaker in consultation with the Chief Minister shall fix for this purpose.

(6) The Address having been adopted with or without amendment shall be presented to His Highness the Maharaja by the Speaker in such manner as His Highness may prescribe.

(7) The Speaker shall report to the Assembly His Highness the Maharaja's reply to the Address."

4. In Rule 7-A—

(i) in sub-rule (1) for the words "the Government" the words "His Highness the Maharaja" shall be substituted.

(ii) in sub-rule (8) the words "or if His Highness the Maharaja withholds his approval to any election" and the proviso to the sub-rule shall be omitted.

5. In Rule 7-B—

(i) in sub-rule (1) for the words "the Government" the words "His Highness the Maharaja" shall be substituted.

(ii) in sub-rule (3) the words "or if His Highness the Maharaja withholds his approval to any election" and the proviso to the sub-rule shall be omitted.

6. In Rule 8, the words "except with the consent of the Chief Minister" shall be added at the end and the following proviso shall be added to this rule:—

"Provided that on a motion made by a Minister for the suspension of this rule the Assembly may resolve to transact Government business on a day allotted for non-official business, in which case the time so used shall

be made available for the transaction of non-official business on such other day allotted for Government business as the Chief Minister may determine."

7. For Rule 9, the following rule shall be substituted :—

"9. (1) Subject to the provisions of these rules, a question may be asked for the purpose of obtaining information on a matter of public interest or importance relating to the administration of the State.

(2) In matters which are or have been the subject of a controversy between the Government and the Government of India or any other State, no question shall be asked except as to matters of fact and the answer shall be confined to a statement of fact."

8. For Rule 10, the following rule shall be substituted :—

"10. A member who wishes to ask a question shall give notice at least twelve clear days before the commencement of the session at which he desires to put the question and shall together with the notice submit a copy of the question he wishes to ask :

Provided that the Speaker may with the consent of the Minister in charge of the Department to which the question relates allow a question to be put at shorter notice :

Provided also that no member shall, unless he has obtained the special permission of the Speaker, be permitted to send in notice for one session of more than eight questions."

9. Rule 13 shall be renumbered as sub-rule (2) of that rule ; and before sub-rule (2) as so renumbered, the following sub-rule shall be added namely,—

"(1) The Speaker may within a period of notice disallow any question or any part of a question on the ground that it relates to a matter which is not primarily the concern of the Government and if he does so, the question or part of the question shall not be placed on the list of questions ".

10. Rule 14 shall be omitted.

11. In Rule 20—

(i) for item (iv) the following shall be substituted :—

"(iv) The motion must not anticipate a matter which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the Assembly within a reasonable period of time ;"

(ii) after item (v) the following item shall be added :—

"and (vi) The motion must not deal with any matter which is under adjudication by a court of law having jurisdiction in any part of India."

12. Rule 24 shall be omitted.

13. In Rule 25, for the words, figures and brackets "as required by sub-section (3) of Section 15 of the Act ", the words and figures "as required by the proviso to Article 179 of the Constitution " shall be substituted.

14. For Rule 27, the following rule shall be substituted :—

"27. The presence of at least ten members shall be necessary to constitute a meeting of the Assembly for the exercise of its powers ".

15. In sub-rule (2) of Rule 28—

(i) For Item (iv) the following shall be substituted :—

"(iv) reflect upon His Highness the Maharaja, the members of the Ruling Family, the President, the Governor or a Rajpramukh of any State, the Ruler of any Foreign State, a Judge of the Supreme Court of India or a Judge of a High Court in India in the discharge of his duties or any court of law in the exercise of its judicial functions."

(ii) in item (viii) the words " or His Highness the Maharaja " shall be omitted.

16. Rule 32 shall be omitted.

17. For Rule 33, the following rule shall be substituted:—

"33. (1) Any member other than a Minister desiring to move for leave to introduce a Bill shall give notice of his intention and shall together with the notice send a copy of the Bill and a full statement of objects and reasons.

(2) If the Bill is a Bill which under the Constitution cannot be introduced without previous recommendation, the member shall annex to the notice a copy of such recommendation and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be twelve days unless the Speaker allows the motion to be made at shorter notice.

(4) On the day on which the motion is set down in the list of business, the member giving notice may move for leave to introduce the Bill.

(5) If the motion for leave to introduce the Bill is carried, the Bill shall be introduced and the Standing Orders of the Assembly regulating the subsequent procedure in regard to the passing of Bills shall apply."

18. In Rule 36, for the words "the Government" the words "His Highness the Maharaja" shall be substituted.

19. For Rule 41, the following rule shall be substituted:—

"41. A member who wishes to move a resolution shall give at least twelve clear days' notice, before the commencement of the session at which he desires to move the resolution and shall together with the notice submit a copy of the resolution he wishes to move:

Provided that no member shall, unless he has obtained the special permission of the Speaker, be permitted to send in notice for one session of more than two resolutions:

Provided further that the Speaker, with the consent of the Minister to whose department the resolution

relates, may allow it to be entered on the list of business with shorter notice."

20. Rule 42 shall be omitted.

21. In the proviso to Rule 43—

(i) for item (*a*) the following shall be substituted :—

"(*a*) it shall be in the form of a declaration of opinion by the Assembly ; "

(ii) after item (*c*) the following item shall be added :—

"(*d*) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India."

22. Rule 48 shall be omitted.

23. For Rule 49, the following rule shall be substituted :—

"49. A copy of every resolution which has been passed by the Assembly shall be forwarded to His Highness the Maharaja."

24. Sub-rules (2) and (3) of Rule 50 shall be omitted.

25. For Rule 51, the following rule shall be substituted :—

"51. (1) The annual financial statement for any financial year (hereinafter referred to as the Budget) shall be presented to the Assembly on such date as His Highness the Maharaja may appoint.

(2) No discussion on the Budget shall take place on the day on which it is presented."

26. In Rule 54, for the words "the Government" whenever they occur the words "His Highness the Maharaja" shall be substituted.

27. In Rule 58, for the words "the Government" wherever they occur, they words "His Highness the Maharaja" shall be substituted.

28. In Rule 59—

(1) for sub-rule (1), the following sub-rule shall be substituted :—

"(i) No demand for a grant shall be made except on the recommendation of His Highness the Maharaja."

(ii) for sub-rule (2), the following sub-rule shall be substituted :—

"(2) Motions may be made at this stage to reduce any grant or to omit or reduce any item in any grant but not to increase or alter the destination of a grant."

29. Sub-rule (2) of Rule 60 shall be omitted.

30. For Rule 62, the following rule shall be substituted :—

"62. (1) As soon as may be after the grants under Article 203 of the Constitution have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet—

(*a*) the grants so made by the Assembly ; and

(*b*) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) The provisions of these Rules and Standing Orders relating to Bills shall apply to the Appropriation Bills introduced under this rule :

Provided that no amendment shall be proposed to any such Bill which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the State :

Provided further that the Speaker may suspend the operation of any of these rules for the purpose of timely completion of the financial business.

(3) The decision of the person presiding as to whether an amendment is inadmissible under this rule shall be final."

31. For Rule 63, the following rule shall be substituted :—

"63 (1) His Highness the Maharaja shall—

(*a*) if the amount authorised by any law made in accordance with the provisions of Article 204 of the Constitution to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(*b*) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before the Assembly another statement showing the estimated amount of that expenditure or cause to be presented to the Assembly a demand for such excess, as the case may be.

(2) The provisions of Rules 52, 58, 59, 60 and 62 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or grant."

32. For Rule 64, the following rule shall be substituted :—

"**64.** (**1**) Notwithstanding anything contained in the preceding rules, on any day or days subsequent to the presentation of the Budget which may be appointed by His Highness the Maharaja for this purpose, motions may be made for grants in advance in respect of the estimated expenditure for a part of any financial year.

(**2**) Such demands shall be dealt with by the Assembly in the same way as if they were demands for

grants, and the provisions of Rules 52, 58, 59, 60 and 62 shall *mutatis mutandis* apply.

64-A (1) At any time during a financial year, a motion may be made for a vote of credit or an exceptional grant contemplated in items (*b*) and (*c*) of clause (1) of Article 206 of the Constitution.

(2) The provisions of Rule 62 shall apply to any such motion."

33. Rule 72 shall be omitted.

34. Rule 72-A shall be omitted.

35. Rule 73-A shall be omitted.

36. In Rule 75—

(i) in sub-rule (1), for the words "that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly", the words "that the provisions of an Appropriation Act have been followed" shall be substituted.

(ii) Item (i) of sub-rule (2) shall be omitted.

Amendments to Standing Orders.

1. For Standing Order 3, the following Standing Order shall be substituted :—

"3. (1) Subject to the provisions of clause (1) of Article 174 of the Constitution, whenever it appears to His Highness the Maharaja that the Assembly should be summoned—

(i) he shall cause a notification to be published in the Gazette fixing the time and place for a session of the Assembly ; and

(ii) the Secretary shall thereupon send to each member a summons to attend the session.

(2) His Highness the Maharaja may, either before the session commences or during the course of the session, extend the duration of the session by issuing a notification to that effect in the Gazette and in such a case no intimation of the extension need be issued to the members."

2. In clause (1) of Standing Order 4, for the words "the Government" the words "His Highness the Maharaja" shall be substituted.

3. In clause (1) of Standing Order 6, for the words 'the Government" the words "His Highness the Maharaja" shall be substituted.

4. In clause (1) of Standing Order 18, for the words "thirteen members" the words "ten members" shall be substituted.

5. After clause (1) of Standing Order 39, the following clause shall be inserted :—

"(1-a) If any member desires to move an amendment which under the Constitution cannot be moved without previous recommendation, he shall annex to the notice of the proposed amendment a copy of such recommendation; and the notice shall not be valid until this requirement is complied with."

6. For Standing Order 45, the following Standing Order shall be substituted :—

"45. When a Bill is passed by the Assembly, a copy thereof signed by the Speaker shall be forwarded to His Highness the Maharaja for assent."

7. After Standing Order 45, the following Standing Order shall be added :—

"45-A. When a Bill which has been passed by the Assembly is returned by the President or by His Highness the Maharaja for reconsideration by the Assembly, the point or points referred for reconsideration shall be put before the Assembly by the Speaker and shall be discussed and voted upon in the same manner as amendments to a Bill or in such other manner as the Speaker may consider most convenient for their consideration by the Assembly."

8. Item (*b*) of Standing Order 50 shall be omitted.

9. In clause (1) of Standing Order 63 (1) for the words "15 clear days" the words "12 clear days" shall be substituted.

10. In clause (2) of Standing Order 68, for the words "the next day"-the words "the next open day" shall be substituted.

11. In item 5 of the Schedule to the Standing Orders for the words "twelfth day" the words "seventh day" shall be substituted.

BANGALORE,
Dated 23rd February 1950.

By Order of the Hon'ble Speaker,
G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

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